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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,038	03/05/2002	Teemu Puskala	4925-84CIP	8149

7590 05/28/2004

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EXAMINER

HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/091,038	Applicant(s) PUSKALA, TEEMU	
	Examiner John M Hotaling II	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/10/02, 3/5/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling WO 93/231,125 in view of Jamtgaard et al US Patent 6,430,624. Darling discloses all of the instant application but lacks in specifically disclosing a specific type of message to be transmitted and that the message may be modified to match the terminal capabilities of the destination terminal of the message. Instead Darling discloses a multiplayer wireless communication device that includes some degree of direct communication between players as well as system wide communication where a player may select from a menu of predetermined messages or may type in a message. Page 9 discloses that at least some degree of communication may be provided between players within a game playing group. Depending upon the input capabilities of the game machine, a message intended for another player may be selected from a menu of predefined messages or typing in on a keyboard. Also, a particular accomplishment of one player may result in a message being transmitted to all of the other game machines in the game playing group. Page 17 discloses that any suitable communications protocol known to those of skill in the art may be used. Darling discloses on pages 20 and 21 that the messages may be transferred to game machines made by different

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companies. The invention to Darling is a multiplayer adventure game which provides enough motivation to one skilled in the art to that the messages are related to the adventure game and the playability thereof and as such the types of messages claimed with relation to the game would be an obvious matter of choice well within the capabilities of one skilled in the art. Darling does not disclose that the message is modified to match the terminal capabilities of the destination address to which the predefined message may be sent. Instead Darling discloses that the messages may be transferred to game machines made by different companies. In an analogous information content delivery system, Jamtgaard discloses that it is known to have a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. The system also delivers Web-based content, commerce, enabling transactions, and services to a variety of information appliances and devices without requiring the re-authoring of the content information for display on each of these different devices. Additionally, the system allows the formatted content to be output in and mark-up language and protocol, such as WML, HTML, HDML, XML, etc. and can be optimally formatted for display on the devices according to the input/output format, such as the display screen size parameters of the devices. With respect to the feature in claim 38 where text is displayed instead of an image, this feature is a well known attribute of HTML and is an attribute of an image tag. The specific messages and categories are an obvious matter of choice well within the capabilities of one skilled in the art. It would be obvious to one of ordinary skill in the art at the time of the invention

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to combine the game system of Darling which transmits messages with the known delivery system of Jamtgaard which discloses content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. Jamtgaard discloses that it is known to have a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications. One would be motivated to make this combination since Darling teaches that messages may be transferred to game machines made by different companies which suggests to one of ordinary skill in the art different operating systems.

Citation of Pertinent Prior Art

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Martin, Jr et al '419 discloses a system for displaying content on a wireless display

Nahi et al '120 discloses a wireless portable display tablet

Lovegreen et al '824 discloses and paging and gaming system

DeLuca '717 discloses wireless transmissions in a communications system

LaPorta '536 discloses wireless two way messaging system

Kokkonen '560 discloses using predefined messages

Bennett et al '014 discloses a message delivery system

Kovacs et al '191 discloses a multimedia on a communications system

"Instant messaging goes Wireless" discloses Short Message System code for predetermined messages

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN M. HOTALING, II
PRIMARY EXAMINER

May 26, 2004